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**OFFICE OF PETITIONS**

In re Application of  
Akira NAKAGAWA, et al.  
Application No. 09/348,165  
Filed: 07 July 1999  
Attorney Docket No. 826.1553/JDH

**DECISION  
ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed 12 July 2005, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner in reply to the Final Office Action mailed 18 November 2004, which set a shortened statutory period for reply of three (3) months. A three-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. A reply under 37 CFR 1.113 is limited to an amendment that *prima facie* places the application in condition for allowance or a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)). The amendment submitted on 17 May 2005 did not *prima facie* place the application in condition for allowance as noted in the Advisory Action mailed 17 June 2005. Therefore, as no Notice of Appeal (and appeal fee), Request for Continued Examination (RCE) or a continuing application was timely filed, the above-identified application became abandoned on 19 May 2005.

The petition is **GRANTED**.


**The two-month period for filing the Appeal Brief under 37 CFR 41.37(a)(1), accompanied by the fee set forth in 37 CFR 41.20(b)(2), runs from the date of this decision.**

Applicants' statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" meets the requirement under 37 CFR 1.137(b)(3).

The change of address submitted concurrently with the petition has not been entered since it embodied in the instant petition. Petitioner is advised that the change of address must be included in a separate paper since different matters are handled by different branches of the Office. See 37 CFR 1.4(c).

Telephone inquiries concerning this decision should be directed to Nguyen Ngoc-Ho at (571) 272-3290.

This matter is being referred to Tech Center 2713.

  
Wan Laymon  
Petitions Examiner  
Office of Petitions

NNH/WL:hn

c/c to:  
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